

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew J. Kremer on 6/1/10.

The application has been amended as follows:

1. (Currently Amended) A fuel cell comprising:

a plurality of cell units stacked in a stacking direction with the cell units comprising:

a cell plate provided with:

a supporting body including a porous metal plate;

a cell formed on the supporting body, the cell including a solid electrolyte layer, a cathode substance layer formed on one surface of the solid electrolyte layer, and an anode substance layer formed on the other surface of the solid electrolyte layer; and

an inner annular bulk metal member which is a gas impermeable member radially next to and fixed to the porous metal plate;

an electroconductive gas separator which cooperates with the cell plate, to form a gas passage; and

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a holder member clamping the inner annular bulk metal member in combination with a holder member of an adjacent cell unit, apart from the porous metal plate.

3. (Currently Amended) The fuel cell of claim 1, wherein the ~~cell plate, gas separator and holder member constitute a cell unit, and a~~ plurality of cell units is ~~stacked in a stacking direction and~~ mutually electrically connected to one another to thereby constitute a stack.

11. (Currently Amended) The fuel cell of claim 1, wherein the gas separator is provided to oppose one side of the cell plate so as to form the gas passage as a first gas passage while opening an outer peripheral side of the first gas passage,

~~wherein the cell plate, gas separator and holder member constitute a given cell unit,~~

wherein the cell plate of a ~~[[the]]~~ given cell unit cooperates with a gas separator of a neighboring cell unit to thereby form a second gas passage therebetween while opening an outer peripheral side of the second gas passage, and

wherein the holder member is provided with a first gas supplying passage for supplying a first gas to the first gas passage and with a second gas supplying passage for supplying a second gas to the second gas passage such that the first gas is supplied to the first gas passage through the first gas supplying passage and is exhausted from the outer peripheral side of the first gas passage, and the second gas is supplied to the

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second gas passage through the second gas supplying passage and exhausted from the outer peripheral side of the second gas passage.

Allowable Subject Matter

Claims 1-5 and 7-24 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or fairly suggest holder members of adjacent cells clamping an inner annular bulk member apart from the porous metal plate, i.e. such that the holder members are not clamping the porous metal plate as required by amended claim 1 above. The closest prior art is to U.S. Patent No. 6,344,290 which teaches a singular holder member clamping an inner annular bulk member but it does not teach that two holder members clamping the inner annular bulk member. There is also no motivation in the prior art to modify the prior art to make the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HODGE whose telephone number is (571)272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Basia Ridley can be reached on (571) 272-1453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Hodge/
Primary Examiner, Art Unit 1795